

Message Text

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S E C R E T STATE 295780 TOSEC 120131

EXDIS DISTRIBUTE AS NODIS

FOLLOWING REPEAT SEOUL 10443 ACTION SECSTATE 12 DEC 77

QUOTE

S E C R E T SEOUL 10443

EXDIS DISTRIBUTE AS NODIS

E.O. 11652: GDS

TAGS: PGOV KS US

SUBJ: TONGSUN PARK AFFAIR: DECEMBER 12 MEETING BETWEEN AMBASSADOR
AND FOREIGN MINISTER

SUMMARY: AMBASSADOR AND FOREIGN MINISTER HELD TWO-HOUR
MEETING AFTERNOON DECEMBER 12 MAINLY TO DISCUSS DETAILS JOINT
STATEMENT. CONSIDERABLE PROGRESS ACHIEVED. MAIN PROBLEM
REMAINING PARA. 4. F. END SUMMARY.

1. I HELD TWO-HOUR MEETING WITH FOREIGN MINISTER AFTERNOON
DECEMBER 12 TO THRASH ONCE MORE THROUGH WORDING OF JOINT
STATEMENT. FONMIN MADE VERY STRONG REPRESENTATION FOR
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REINCLUSION OF QUOTE ONLY UNQUOTE LIMITATION ON PARK
TESTIMONY. I REVIEWED AT LENGTH AND SEVERAL TIMES THE
REASON WHY WE WERE UNABLE TO ACCEDE TO THIS REQUEST.
AS A RESULT OF OUR DISCUSSION, HE HAS AGREED, VERY
RELUCTANTLY, TO DROP ROK REQUEST FOR THIS LIMITATION.

2. MAJOR CONCERN OF FONMIN CONTINUES TO BE ASSURANCES

ON PARK'S RETURN TO KOREA FOLLOWING TESTIMONY IN THE UNITED STATES. HE REFERRED SEVERAL TIMES TO THE NEED FOR SOME ASSURANCE IF HE WERE TO CONVINCE HIS COLLEAGUES, AND HERE HE ALMOST LITERALLY LOOKED IN THE DIRECTION OF THE BLUE HOUSE, TO AGREE TO THE JOINT STATEMENT. I AGAIN EXPLAINED OUR INABILITY TO MAKE STATEMENTS THAT WOULD PRECLUDE DUE PROCESS OF LAW UNDER THE US JUDICIAL SYSTEM. DISCUSSION ON THIS POINT CARRIED ON FOR A GOOD FORTY-FIVE MINUTES. IN THE END THE FONMIN PROPOSED THE FOLLOWING WORDING BE SUBSTITUTED FOR THE PRESENT PARA 4. F.: QUOTE

4. F. UNDER THE AGREEMENT OF COOPERATION BETWEEN THE TWO GOVERNMENTS, MR. TONGSUN PARK WOULD BE ADMITTED TO THE UNITED STATES ONLY FOR LIMITED PERIODS RELATED SPECIFICALLY TO HIS ANTICIPATED COURT APPEARANCES. MR. TONGSUN PARK WOULD BE ASSURED BY THE UNITED STATES GOVERNMENT OF HIS PROMPT RETURN TO THE REPUBLIC OF KOREA FOLLOWING HIS TESTIMONY AT EACH SUCH TRIAL. END QUOTE.

I DISCUSSED THIS WORDING WITH THE FONMIN AND HE AGREED IT WAS VAGUE ENOUGH TO COVER OUR PROBLEMS WHICH HE FULLY UNDERSTOOD. HE INDICATED HOWEVER THAT HE NEEDED THIS MUCH OF A FIG LEAF TO CONVINCE HIS COLLEAGUES.

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3. I HOPE THAT WE SHOULD BE ABLE TO ACCEDE TO THIS WORDING SINCE WE, IN EFFECT, ARE GIVING OUR ASSURANCES TO PARK AND THEREFORE NOT PRECLUDING THE POSSIBILITY OF HIS REQUESTING TO STAY IN THE UNITED STATES. THE FONMIN IS AWARE THAT THIS WORDING DOES NOT, IN FACT, PROVIDE THE ASSURANCE THAT HE REALLY DESIRES BUT BELIEVES IT IS SUFFICIENT TO ACHIEVE AGREEMENT ON THE JOINT STATEMENT. I STRONGLY URGE THAT IF AT ALL POSSIBLE WE ACCEPT THIS COMPROMISE.

4. THE ADDITIONAL CHANGES WHICH THE FONMIN REQUESTED ARE, I BELIEVE, MINOR AND SHOULD CAUSE LITTLE DIFFICULTY. I WILL LIST THEM IN ORDER WITH PARAGRAPHS REFERRED TO IN OUR DRAFT OF THE JOINT STATEMENT.

PARA 2: FONMIN REQUESTED THAT INSERTION OF "FULL" BETWEEN "OFFER OF" AND "IMMUNITY" IN THE SECOND SENTENCE. HE NOTED THIS WAS IN ACCORDANCE WITH OTHER PORTIONS OF THE JOINT STATEMENT AND WITH PRESIDENT CARTER'S STATEMENT TO THE CONGRESS.

PARA 3 B: FONMIN REQUESTED DELETION OF "WILL BE PRIVATE AND" IN THE SECOND SENTENCE. HE NOTED THAT THE REMAINDER OF THE SENTENCE SAID THE SAME THING AND THAT TRANSLATION

OF "PRIVATE" INTO KOREAN IMPLIED SECRECY. I AGREED TO THIS AD REFERENDUM TO WASHINGTON.

PARA 3 C: FONMIN REQUESTED DELETION "UNLIMITED" IN THIS PARAGRAPH. AGAIN HE NOTED DIFFICULTY OF TRANSLATION AND THE FACT THAT THE REMAINDER OF THE SENTENCE IN EFFECT SAID THE SAME THING. I AGREED AD REFERENDUM.

PARA 3 D: THE FONMIN SAID THAT REFERENCE DIRECTLY TO AMERICAN LAW IN A KOREAN PROCEEDING CAUSED GREAT DIFFICULTY, AND COULD BE INTERPRETED AS VIOLATION KOREAN SOVEREIGNTY. HE AGREED THAT THE OATH COULD BE ADMINISTERED BY A CONSULAR OFFICIAL AND SUGGESTED THAT THE FIRST PORTION THIS SENTENCE BE ALTERED TO READ "OATHS WILL BE ADMINISTERED IN ACCORDANCE
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WITH KOREAN LAW AND INTERNATIONAL PRACTICES." WE AGREED THAT THIS TERM WOULD INCLUDE ADMINISTRATION OF AN OATH BY US CONSULAR OFFICIAL. SINCE THIS COVERS OUR CONCERN REGARDING AN OATH ACCEPTABLE IN US COURT, I WOULD HOPE WE COULD ACCEPT THIS CHANGE.

PARA 3 E: FONMIN NOTED OUR CONCERN OVER CONFUSION BETWEEN JOINT STATEMENT AND MPAA BY USE OF WORD AGREEMENT. HE THEREFORE REQUESTED FINAL SENTENCE OF THIS PARAGRAPH BE CHANGED TO READ "PROVISIONS OF THE AGREEMENT WILL BE CONSISTENT WITH THIS JOINT STATEMENT." THIS SEEMS REASONABLE.

PARA 4 HEADING: FONMIN NOTED THAT PART FOUR COVERED BOTH ARRANGEMENTS AND ASSURANCES AND THEREFORE REQUESTED THAT FOLLOWING "ARRANGEMENT" IN THE HEADING THE WORDS "AND ASSURANCES" BE INCLUDED. AGAIN THIS SEEMS TO BE RATHER MINOR AND FACTUAL.

PARA 5 B: FONMIN REQUESTED THAT IN THE CENTER OF THE PARAGRAPH FOLLOWING "FROM THE UNITED STATES" THE WORDS "AND THE REPUBLIC OF KOREA," BE INCLUDED. HE NOTED THIS WAS IN FACT IMPLIED IN THE US WORDING AND HE SAW NO REASON NOT TO MAKE IT EXPLICIT. HE ALSO STRONGLY URGED THE DELETION OF THE FINAL PORTION OF THIS SENTENCE BEGINNING QUOTE AND WILL TAKE NO OTHER STEPS... END QUOT. HE SAID THAT TO TAKE ANY SUCH ACTION WOULD BE VERY HARMFUL TO KOREA AND THE WHOLE PURPOSE OF THE JOINT STATEMENT WAS TO SET PARK TO THE U.S. HE SAID THAT TO INCLUDE THIS LANGUAGE WOULD MAKE IT SEEM AS IF THE U.S. HAD NO TRUST IN KOREA OR ITS GOVERNMENT AND COULD BE MOST DAMAGING. I AGREED TO AGAIN REQUEST DELETION.

5. FINALLY, THE FONMIN SUGGESTED THAT WE SHOULD INCLUDE THE NORMAL STATEMENT OF INTENT TO FACILITATE THE RELATIONSHIP BETWEEN OUR TWO COUNTRIES AT THE END OF THE JOINT STATEMENT. QUOTE: IN MAKING PUBLIC THE JOINT STATEMENT, THE TWO GOVERNMENTS REAFFIRM THEIR LONG-STANDING SPIRIT OF FRIENDLY COOPERATION AND
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EXPRESS THEIR SINCERE HOPE THAT THE JOINT STATEMENT WOULD CONTRIBUTE TO THE EARLY SETTLEMENT OF THE PENDING PROBLEM BETWEEN THE TWO GOVERNMENTS CONCERNING THE CASE OF MR. TONGSUN PARK. END QUOTE. IF THIS SUGGESTION WERE ACCEPTED, HE SUGGESTED THAT THE INITIAL PARAGRAPH IN THE JOINT STATEMENT (NOW PARA 1) BE UNNUMBERED, AND THE REMAINING FOUR PORTIONS BE RENUMBERED ACCORDINGLY. GIVEN THE HEAVY PRESSURES EXERTED BY BOTH SIDES IN THIS MATTER, I AGREE WITH THE FONMIN THAT A STATEMENT OF THIS NATURE WOULD BE A MOST USEFUL INCLUSION TO THE JOINT STATEMENT.

6. THE FONMIN HAD READ THE JAWORSKI STATEMENT AND I TOOK THE OCCASION OF HIS MENTIONING IT TO OUTLINE FOR HIM THE SCENARIO WHICH WOULD PROBABLY BE INVOLVED IN OBTAINING CONGRESSIONAL AGREEMENT TO ACCEPT TESTIMONY FROM TONGSUN PARK OBTAINED IN KOREA. I NOTED THAT ADDITIONAL ASSERTIONS OF CONGRESSIONAL RIGHTS IN THIS MATTER WOULD UNDOUBTEDLY BE MADE UNTIL TESTIMONY WAS ACTUALLY AVAILABL. I ALSO POINTED OUT DAMAGES OF PREMATURE PRESS BRIEFINGS. I URGED HIM TO MAINTAIN A CALM AND REASONED RESPONSE TO SUCH STATEMENT AND TO RELY ON OUR ASSURANCES OF AN ULTIMATE SOLUTION TO THIS PROBLEM. HE TOOK THE POINT AND AGREED THAT IT WAS A VERY COMPLEX PROCEDURE AND UNDERTOOK HIS BEST EFFORTS IN RESPECT TO MY URGING.

7. COMMENT: WE HAVE COME A VERY LONG WAY TOWARD SOLUTION. FONMIN ALSO GAVE ME RENEWED ASSURANCES ON TONGSUN PARK LETTER BEING AVAILABLE AT TIME OF JOINT STATEMENT ANNOUNCEMENT. THE KOREAN SIDE HAS MOVED DRAMATICALLY THROUGHOUT THIS NEGOTIATION, MOST RECENTLY WHEN THE FONMIN AGREED TO DROP HIS REQUIREMENT FOR LIMITATION IN THE JOINT STATEMENT ON TH QUESTIONING OF TONGSUN PARK BEYOND THAT ALREADY CONTAINED. THE KEY NOW TO SOLUTION IS PARAGRAPH 4 F AND I GREATLY HOPE WE WILL BE ABLE TO ACCEPT THE PROPOSED COMPROMISE WORDING. I ALSO FIND MOSTT OF THE OTHER SUGGESTIONS MADE BY THE FONMIN TO BE ESSENTIALLY NON-SUBSTANTIVE IN NATURE AND TRUST WE CAN ACCEDE TO MANY IF NOT ALL OF THEM.

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